

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Rosanne Edwards Murphy,)	
)	
Plaintiff,)	Civil Action No.: 2:05-2658-CWH
)	
versus)	
)	
Trident Medical Center; Rural Metro)	<u>ORDER</u>
Ambulance; and Mr. Murphy, with Rural)	
Metro Ambulance,)	
)	
)	
Defendants.)	
_____)	

On September 15, 2005, the plaintiff, a resident of South Carolina, filed a complaint *pro se* against Trident Medical Center, Rural Metro Ambulance and Rural Metro Ambulance employee, Mr. Murphy. The plaintiff does not allege the citizenship of any of the parties. Trident Medical Center is a South Carolina limited liability company with its principal place of business in South Carolina.

On September 22, 2005, Magistrate Judge George C. Kosko filed a report and recommended that this action be dismissed for lack of jurisdiction. On September 30, 2005, the plaintiff filed objections to the magistrate judge's report and recommendation.

Although the plaintiff's *pro se* complaint is liberally construed, federal courts are of limited jurisdiction. Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is without 28 U.S.C. §1332 diversity jurisdiction because there is not complete diversity of citizenship. Strawbridge v. Curtiss, 7 U.S. 267 (1806); Owen Equip. & Erection Co., v. Koger, 437 U.S. 365, 372-74 (1978).

The plaintiff alleges that she attempted suicide by swallowing thirty or more various sleeping pills. She alleges that she was injured between the time of the paramedics' arrival at her home and her awakening in the hospital with a blackened arm and chipped tooth.

Although medical malpractice is a cause of action under South Carolina state law, the complaint has not raised any federal questions. Pederson v. Gould, 341 S.E.2d 633, 634 (1986). Negligence is not a cause of action under 42 U.S.C. §1983. Daniel v. Williams, 474 U.S. 344, 345-48 (1986). Similarly, mental harassment is not actionable under 42 U.S.C. §1983. Estelle v. Gamble, 429 U.S. 97, 106 (1976). Therefore, this court is without 28 U.S.C. §1331 federal question jurisdiction.

Accordingly, the Court adopts Magistrate Judge Kosko's report and recommendation and dismisses this action without prejudice and without service of process for lack of jurisdiction.

AND IT IS SO ORDERED.

A handwritten signature in black ink, reading "C. Weston Houck". The signature is written in a cursive, flowing style.

C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

Charleston, South Carolina
October 27, 2005